

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**TYREE LAWSON,**

**Plaintiff,**

**v.**

**MICHELLE CROWTHER, and  
SERGEANT MONTOUR,**

**Defendants.**

**Case No. 1:17-cv-39-SPB**

**MEMORANDUM ORDER**

This prisoner civil rights action was received by the Clerk of Court on February 13, 2017 and was referred to the undersigned, then a United States Magistrate Judge, for report and recommendation in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges. On February 8, 2018, Plaintiff filed his Second Amended Complaint (“SAC”), the operative pleading in this case. ECF No. 39.

Defendants filed motions to dismiss the SAC on April 9, 2018 and May 21, 2018, which remain pending before the Court. ECF Nos. 45, 51. Plaintiff, for his part, filed a Motion for Leave to File Third Amended Complaint, ECF No. 48, and a Motion for Judgment on the Pleadings, ECF No. 58, which are also pending. Plaintiff also filed responses in opposition to the Defendants’ motions to dismiss. ECF Nos. 58, 70.

On September 14, 2018, the undersigned was sworn in as a United States District Judge. Four days later, this action was transferred to the undersigned as presiding judge. On September 27, 2018, the case was referred to United States Magistrate Judge Richard A. Lanzillo for all pretrial proceedings.

On October 30, 2018, Judge Lanzillo issued a Magistrate Judge's Report and Recommendation ("R&R") recommending that: (i) the Defendants' motions to dismiss be granted; (ii) Plaintiff's motion for judgment on the pleadings be denied; and (iii) Plaintiff's motion for leave to amend be denied as futile. ECF No. 71. Plaintiff filed objections to the R&R on November 16, 2018. ECF No. 72.<sup>1</sup>

After *de novo* review of the complaint and documents in the case, together with the report and recommendation and objections thereto, the following order is entered:

AND NOW, this 12th day of December, 2018;

IT IS ORDERED that the Defendants' motions to dismiss (ECF Nos. [45] and [50]) are GRANTED, and the Second Amended Complaint is DISMISSED with prejudice.

IT IS FURTHER ORDERED that Plaintiff's motion for judgment on the pleadings (ECF No. [58]) is DENIED.

IT IS FURTHER ORDERED that Plaintiff's motion for leave to amend (ECF No. [48]) is DENIED as futile.

AND, IT IS FURTHER ORDERED that the report and recommendation of Magistrate Judge Lanzillo, issued on October 30, 2018 (ECF No. [71]), is adopted as the opinion of the court.

/s/ Susan Paradise Baxter

SUSAN PARADISE BAXTER  
United States District Judge

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<sup>1</sup> Plaintiff filed his objections again on November 26, 2018. ECF No. 74. As noted on the docket, this filing was a duplicate of his prior objections, filed at ECF No. 72, with the addition of a cash slip.